

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

VERLIN J. ALEXANDER)	
)	
Petitioner,)	
)	
v.)	Civ.Act.No. 07-01-JFF
)	
RALPH WILLIAMS , Warden)	
and JOSEPH R. BIDEN III , Attorney)	
General for the State of Delaware)	
)	
Respondents.)	

MOTION FOR LEAVE TO FILE SUPPLEMENTAL ANSWER

Pursuant to Rules 5 and 11 of the Rules Governing Section 2254 Actions, 28 U.S.C. § 2254, and Rule 15 of the Federal Rules of Civil Procedure, respondents move for leave to file a supplemental answer to petitioner's application for federal habeas relief:

1. On January 3, 2007, Verlin Alexander filed for federal habeas relief, seeking the pre-trial dismissal of state court criminal charges. D.I. 1. On May 7, 2007, respondents filed their answer to Alexander's petition. D.I. 10. On October 11, 2007, respondents filed state court records relating to petitioner's claim. D.I. 25.

2. State court records reveal that since filing his federal habeas petition, Alexander has pled no-contest to one count of third degree rape in state court. Petitioner's plea, in respondents' view, resolves petitioner's application for federal habeas relief, which sought the dismissal of state court charges.

3. Whereas, respondents respectfully request that leave be granted to file a supplemental answer in light of Alexander's plea in state court. Respondents submit herewith a proposed order.

/s/Kevin M. Carroll
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 4836
Kevin.Carroll@state.de.us

DATE: October 11, 2007

RULE 7.1.1 CERTIFICATION

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Kevin M. Carroll
Deputy Attorney General

Date: October 11, 2007

Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2007, I electronically filed the attached documents with the Clerk of Court using CM/ECF. I also hereby certify that on October 11, 2007, I have mailed by United States Postal Service, the same documents to the following non-registered participant:

Verlin Alexander
No. 098778
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/Kevin M. Carroll
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
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General for the State of Delaware)	
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Respondents.)	

ORDER

This ____ day of _____, 2007,

WHEREAS, respondents having requested that leave be granted to file a supplemental answer to petitioner's petition for federal relief,

WHEREAS, it appearing to the Court that the requested leave is timely made,

IT IS HEREBY ORDERED that respondents' supplemental answer shall be filed on or before October 31, 2007.

United States District Judge